vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.239 OF 2005

Central Silk Board ... Petitioner

V/s.

Meghdoot Co-operative
Housing Society Limited ... Respondent

Mr.Y.S. Jahagirdar with Mr.V.S. Gokhale for Petitioner
Mr.P.K. Dhakephalkar for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 24, 2005**

P.C.:

. This petition challenges the concurrent findings of facts of the trial Court and the appellate Court. Both the Courts below have found that the Petitioner which is a Central Government undertaking has defaulted in payment of permitted increases and on the ground of bonafide reasonable requirement of the plaintiff i.e., the Respondent herein. The trial Court also observed that although the Petitioner disputed the rent and permitted increases demanded by the plaintiff, no application for fixation of standard rent was filed by the Petitioner.

2. Both the Courts have found that the premises are

reasonably required by the Respondent-Society for housing Jain nuns who visit Bombay for delivering religious discourses in the monsoons and also for the recreational use of the members of the society. In such circumstances, I see no reason to interfere with the impugned orders.

3. Besides this, the Courts have held that greater hardship would be caused to the Respondent-Society if the decree was not passed. Petition is, therefore, rejected.

4. Mr.Jahagirdar, appearing for the Petitioner, seeks some time to vacate the suit premises. Time to vacate the suit premises is granted for a period of one year from today, subject to the Petitioner furnishing an undertaking in this Court in the usual terms within two weeks from today.